



NEWSLINE

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Tennessee Department of Commerce and Insurance*

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Chairman's Report

by Charles Woodard

I want to start my column in this issue by calling attention to the tragedy that occurred in our country on September 11th. Words cannot express our outrage for the attack on New York City and Washington and the deep feelings we have for the many people that lost family, friends, employees, public servants, and fellow workers. We need to continue to remember these people in our thoughts and prayers.

After completing the bidding process by the State of Tennessee, the TAC newsletter and seminar program contract has been awarded to Terry Evans, d/b/a Evans Education Center. We want to thank all who participated in this bidding process. This is a lengthy and arduous process and we want to congratulate Terry on his successful bid. As you all know, Mr. Evans has been providing services of this contract for the past several years and we appreciate the excellent work and effort he has put forth.

The Tennessee Auctioneer Commission held a fall seminar in Knoxville, Tennessee, on Monday, October 22, 2001 at the Merchants I-75 Expo in Knoxville, Tennessee. A panel discussion on the Law, Rules, Regulations and Policies applying to TAC licensees was informative and beneficial. All attendees completing the seminar received six hours of continuing education. The next scheduled seminar will be held after the first of the year and the information will be mailed to you and posted on the website at a later time.

The TAC has received a number of calls with regard to New Rules that went into effect on May 14, 2001. A complete copy of the rules was inserted into the April newsletter. The rules specifically deal with Absolute Auctions, advertising guidelines, and disclosure of buyer's premiums.

Auctions that are advertised as Absolute Auctions or Unreserved Auctions are auctions "at which property put up for sale is sold to the highest bidder, where the seller may not withdraw the property from the auction after the auctioneer calls for bids unless no bid is made in a reasonable time, where the seller may not bid himself or through an agent, and where the seller will deliver marketable title." In order to be advertised as an Absolute or Unreserved Auction, the auction must meet the above criteria. An auction that is advertised under the heading of Auction, At Auction, Public Auction, Auction Sale or similar notice is considered to be with reserve where "the seller or his agent reserves the right to establish a minimum bid, to accept or reject any and all bids, and to withdraw the property at any time prior to the completion of the sale by the auctioneer." The auctioneer should not mislead the public with regard to the type of auction being offered to the general public.

Advertising in any form that is designed to give notice of an

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COMMISSION MEMBERS AND STAFF

Charles Woodard, Chairman

Term 9/1/98 - 8/31/01

Email: Woodardc@mtrmls.com

Jana Wilson, Secretary

Term 10/14/99 - 8/31/02

Jay Whirley, Board Member

Term 5/24/00 - 8/31/04

Howard Phillips, Board Member

Term 11/30/00 - 8/31/03

Email: HowardPhillipsTN@aol.com

James Brock, Consumer Member

Term 9/01/98 - 8/31/01

Email: jwbrock1@blomand.net

Lynn McGill, Administrative Director

lmcgill@mail.state.tn.us

Kathy McBroom, Administrative Assistant

kmcmbroom@mail.state.tn.us

Sandra Cooper, License Technician

Dennis Hodges, Investigator

dhodges@mail.state.tn.us

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE & INSURANCE
TENNESSEE AUCTIONEER COMMISSION
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER, 6TH FLOOR
NASHVILLE, TENNESSEE 37243-1152
615-741-3236 615-741-1245 (Fax)
www.state.tn.us/commerce/auction

Chairman's Report (Continued from page 1)

upcoming auction must include the name and license number of the auction firm or gallery responsible for holding the sale. Auction advertising should be truthful and accurate so as not to mislead the public. Advertising for an auction that has some items that are selling absolute and some items that are selling with reserve should clearly and conspicuously indicate which items are being offered at absolute auction and which items are being offered at reserve auction. The headings indicating Absolute Auction and At Auction or Reserve Auction should be the same font size, style and case.

There has been a lot of discussion with regard to the use of the buyer's premium. If you are charging a buyer's premium in addition to the auction price, you must disclose the existence and amount of the charge in all advertising. The auctioneer is also required to give an oral notice to the bidders prior to the start of any auction when a buyer's premium is being charged.

The TAC asks that you read the information that is sent to you and keep it for your review. We hope to see you at future TAC seminars.

Apprentice Dilemma?

What is a sponsor's responsibility to the apprentice? What is the apprentice's responsibility to their sponsor? Where does one responsibility end and the other begin? Can these overlap? Can they both be responsible??



The Tennessee Auctioneer License Law and Regulations booklet contains responsibilities of both sponsoring auctioneer and apprentice auctioneer. Changes to the rules were printed and mailed to you in the April 2001 Newsline, as well as handed out at our last seminar. The law can also be read from our website: www.state.tn.us/commerce/auction.

Sponsors:

Must have been licensed as an auctioneer for two years and be in good standing with the Commission;

May sponsor no more than three apprentices at any one time;

Is responsible and accountable for the auctioneering activities of the apprentice;

Must reside in the same state as the apprentice (some waivers may apply);

Must execute any legal document relative to conducting or offering to conduct an auction, or note approval of apprentice's execution on document;

Must account for and disperse all monies taken in at auction;

EXAM INFORMATION

By Lynn McGill

The Tennessee Auctioneer Commission has made improvements in the way candidates for license may take exams. The TAC has contracted with Assessment Systems, Inc. to provide examination sites in many areas of Tennessee on a regular basis. A candidate may access exams almost any day of the week except Sunday.

First, a candidate for a license must meet all of the qualifications required to sit for an auctioneer, apprentice auctioneer, gallery, or firm exam. Candidates must meet age, education, and experience requirements for the level of license they wish to obtain. Applications can be obtained by calling the TAC office at 615/741-3236 or printing a copy from the TAC website at www.state.tn.us/commerce/auction.

Second, once you complete your application and meet all of the requirements, you can make plans to take the appropriate exam. If you have been found guilty of a criminal offense (other than a minor traffic violation), or if you have previously had a license revoked, suspended or been disciplined, you must submit your application to the TAC for approval. If you have not experienced any of the above problems, you may take your application directly to ASI for review.

The TAC has a contract with Assessment Systems, Inc. (ASI) to receive applications and administer the exams. Reservations may be made Monday through Friday by telephone from 8:00 a.m. to 11:00 p.m.; Saturday 8:00 a.m. to 5:00 p.m.; Sunday 8:00 a.m. to 2:00 p.m., Eastern Standard Time, at least three business days before the desired test date. The toll free phone number is: 1-877-672-2179. Walk-in testing is not available at any site. Faxed reservations may be made 24 hours a day by faxing a reservation form to 1-888-204-6291 at least four business days before the desired test date. Internet reservations may be made by accessing Assessment Systems, Inc. at www.asivcs.com and completing the Exam Reser-

*(Continued on page 3)***Save those Originals!**

When submitting proof of education, do not send in your original diploma or proof of credit. Send legible photocopies and keep the original in your files.

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Exam Information (Continued from page 2)

vation Services form at least four days before the desired test date. The exam is offered at testing sites in Nashville, Knoxville, Memphis, Johnson City, Jackson and Chattanooga. Call ASI to confirm specific locations, times, and test dates.

Examination fees are paid at the test center on the day of the examination (unless a credit card was submitted at the time of reservation). Applicant's payment must be payable to "Assessment Systems, Inc." and be in the form of a money order, certified check, or cashier's check. Unacceptable forms of payment include personal checks and cash. Examination fees are non-refundable and non-transferable. Two checks (unless retaking exam) are necessary at the time of testing. One check in the amount of \$137.50 for the examination fee payable to Assessment Systems, Inc. The second check, for first time takers, in the amount of \$25.00 for the application fee, should be made payable to the Tennessee Auctioneer Commission to be submitted with the exam application.

When arriving at the testing center, the following information is needed:

- ☒ Examination fee (\$137.50)
- ☒ Application fee (\$25.00)
- ☒ Two forms of signature identification, one which must bear a photo (preferably a driver's license)
- ☒ Original failing score report, if retaker
- ☒ Your ASI reservation confirmation number and authorization letter
- ☒ All required documentation

All candidates will receive an official photo-bearing score report immediately following completion of their examination. If the applicant fails an exam and wishes to retake it, he or she must contact ASI to reschedule another exam. Applicants may cancel or change a reservation without penalty up to four business days before the scheduled exam.

NOTICE...

Please review the following list of licensees. If your name is on this list, it means your mailing address is not up to date with the TAC. You must contact the TAC immediately with the correct information. This should be done by letter to the Commission along with a change of address fee of \$35.00. Your letter should state and include the following:

- ☒ the firm name and number
- ☒ all auctioneers and license numbers
- ☒ all apprentice and license numbers
- ☒ a check for \$35.00 to cover fee of change of firm address (an auctioneer or apprentice does not pay a fee when changing an address)

Send to: *Tennessee Auctioneer Commission, 500 James Robertson Parkway, Davy Crockett Tower, 6th Floor, Nashville, TN 37243-1152.*


If you know someone on this list, please contact them with this information.



Albert E. Nichols
Tri State Auction Company
Miller & Miller Realty Co.
Earl R. Harris
Larry W. Latham
Cole Auctions
Benjamin J. Sproles
Lori A. Carter
Carters On Board
Thomas C. Barron
Daniel D. Stewart
Stewart Auction Company
Liberty Realty & Auction
American Auction Co.
C. W. Shelton Real Estate
& Auction Company
Charles W. Shelton
Alliance Network Licenses
Range Auction Company
Overton Auction Company
Lawrence County Feeder
Pig Sale
Donald B. Van
John Styke
George W. Martin
Jacky R. McCarter
Steve R. Miller
Flea Port Convention

Center
Foley S. Auction
Gammons S. Auction
Merv E. Hilipre Auc.
Co. Inc.
D & D Auction
Delaney S. LLC
Bryan Bo
Swilley Cattle
Jimmy C. Rutledge
Charles A. Melborn
Douglas E. Colvin
Daniel Fielden
William Harbin
Harvey Peyton
Red Barn Auction &
General Store
Arthur Cole III
Jeffery L. Howard
Jeffery L. Howard
Auctioneer
William G. Griffin
Fenton N. Rice
Paul Fields
Charles A. Hall
Oren D. Jones

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Does your web site reflect required information concerning your license?

Your firm name and firm license number should be displayed!

Apprentice Dilemma(Continued from page 2)

Must properly and adequately supervise an apprentice.

Apprentices:

Must state clearly on any advertisement the identity as an apprentice, with license number, and name and license number of sponsor's firm;

May be employed by a licensed auctioneer who is not designated as the apprentice's sponsor only when:

1. TAC has been notified of the employment per the required form (TASA);
2. Non-sponsoring employer auctioneer has current license in State of Tennessee and currently in good standing with the Commission;
3. Non-sponsoring employer auctioneer resides in the same state as the apprentice (some waivers may apply).

Notice (Continued from page 3)

Thomas R. Cooper	Ted J. Forke
Trenton Horse Sales	Steve A. Lady
John D. Patterson	Gary K. Coffelt
Mary Hutcheson	Sharon Vanderpool
A.L. Looney Jr.	E. Joseph Strzesak
Witherspoon Auction Co	Chuck Conner
Changas Brothers	Steve R. Miller
Sherrill Auction	Mary P. Holston



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"The Tennessee Department of Commerce and Insurance is committed to principals of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 741-2177 (TDD).

Check Your Law Book

Licensees should be aware that advertising is being monitored and violations are being presented to TAC board members for review and discipline. To protect the public and yourself, it is vitally important that the Advertising Guidelines (0160-1-.20) be firmly ensconced in your advertising policies.

A copy of the new rules was previously printed in the April 2001 edition of the **Newsline**. This copy was also handed out at the last TAC seminar. If for any reason you do not have access to these rules, you can download a copy from the website:

www.state.tn.us/commerce/auction. Go to:

Newsletter, New Rules.

Let's Get Your Money Where It Belongs

Auctioneers wear many hats and often hold more than one license. License renewals and/or changes can be confusing if not correctly identified. Any correspondence, check, money order, etc. being sent to the TAC offices should include the appropriate firm, gallery or auctioneer license numbers and profession title. This would insure that your money is credited to the correct licensing agency.



Tennessee Auctioneer Commission
500 James Robertson Parkway
Nashville, Tennessee 37243-1152

